

JJD
F.#2009R00405

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

M 09-363

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TO BE FILED UNDER SEAL

UNITED STATES OF AMERICA

COMPLAINT AND AFFIDAVIT
IN SUPPORT OF APPLICATION
FOR ARREST WARRANT

- against -

MICHAEL HIBBERT,
also known as "Oil,"

(T. 21, U.S.C., § 841(a)(1))

Defendant.

- - - - -X

EASTERN DISTRICT OF NEW YORK, SS:

CARMINE ESPOSITO, being duly sworn, deposes and says that he is a Special Agent with the Federal Bureau of Investigation ("FBI"), duly appointed according to law and acting as such.

Upon information and belief, in or about and between February 2009 and March 2009, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant MICHAEL HIBBERT, also known as "Oil," together with others, did knowingly and intentionally distribute and possess with intent to distribute a substance containing cocaine base, a Schedule II controlled substance, in an amount of five grams or more.

(Title 21, United States Code, Section 841(a)(1)).

The source of your deponent's information and the grounds for his belief are as follows:¹

1. I have been a Special Agent with the FBI for approximately 13 years and I am currently assigned to the FBI Long Island Gang Task Force ("FBI Task Force"). I have participated in numerous investigations into the unlawful possession, distribution and manufacture of controlled substances, including but not limited to cocaine and cocaine base. Many of these investigations involved working with confidential informants and cooperating witnesses, surveillance and controlled purchases of narcotics. The information contained in this affidavit comes from first-hand knowledge, my discussions with witnesses involved in the investigation, my discussions with other agents and officers, and a review of the evidence related to this investigation.

2. The facts set forth in this affidavit are based in part on information that I have learned from conversations with a certain confidential informant ("CI-1"), who has proven to be reliable. Specifically, during the course of the investigation, the information provided by CI-1 has been corroborated by a number of other sources, including physical surveillance, video recordings and audio recordings.

¹ Because the purpose of this Affidavit is solely to set forth probable cause to arrest the defendant, I have not set forth all facts concerning this investigation of which I am aware.

3. As part of this investigation, members of the FBI Task Force have supervised multiple purchases of cocaine base (commonly referred to as "crack cocaine") by CI-1 from the defendant MICHAEL HIBBERT, which purchases took place in Hempstead, New York.


4. On February 18, 2009, the defendant MICHAEL HIBBERT sold approximately 4.38 grams of cocaine base to CI-1 for approximately \$400. This transaction was recorded using video and audio technology and was monitored by members of the FBI Task Force.

5. On March 25, 2009, the defendant MICHAEL HIBBERT sold approximately 7.90 grams of cocaine base to CI-1 for approximately \$600. This transaction was recorded using video and audio technology and was monitored by members of the FBI Task Force.

6. The substances that were purchased from the defendant MICHAEL HIBBERT, on February 18 and March 25, 2009, respectively, were brought to the Nassau County Police Department laboratory and those substances tested positive for the presence of cocaine base.

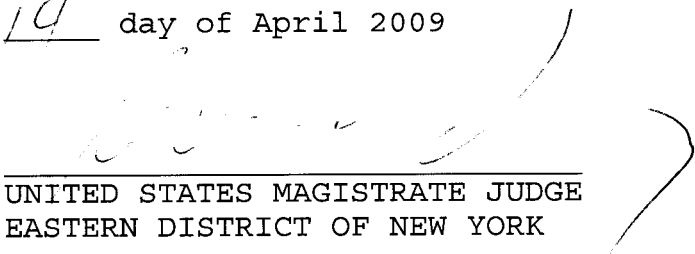
WHEREFORE, your deponent respectfully requests that an arrest warrant be issued for the defendant MICHAEL HIBBERT, also known as "Oil," so that he may be dealt with according to law.

In addition, it is respectfully requested that this Affidavit and the arrest warrant be filed under seal.



SPECIAL AGENT CARMINE ESPOSITO
Federal Bureau of Investigation

Sworn to before me this
19 day of April 2009



UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK